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I hereby certify that this correspondence for Application No. 10/821,298 is being electronically transmitted to Technology Center 3733, via EFS-WEB, on June 1, 2006.

<u>/David H. Brinkman/</u>	<u>6/1/06</u>
David H. Brinkman, Reg. No. 40,532	Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	James R. Mujwid et al.
Serial No.:	10/821,298
Filed:	April 9, 2004
Group Art Unit:	3733
Examiner:	Araj, Michael J.
Title:	VARIABLE-AXIS SURGICAL DRIVER
Atty. Docket No.:	ZMS-MI08US

Cincinnati, OH

June 1, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121**

In response to the Restriction Requirement mailed on May 2, 2006, Applicants hereby provisionally elect the claims of Group I, namely claims 1-23 and 31-36, for prosecution on the merits, with traverse, and without prejudice to filing a separate divisional application directed to non-elected claims.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By /David H. Brinkman/
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